



UNITED STATES DEPARTMENT OF COMMERCE
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| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/461,170 06/05/95

ROSENBERG

EXAMINER: J. L. POOZA

26M2/1212

ART UNIT: PAPER NUMBER

21

PAUL L HICKMAN
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DATE MAILED: 9

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

12/12/95

☒ This application has been examined ☒ Responsive to communication filed on 6/5/93 & 10/11/95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 3-12, 14-22nd & 29-60 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1, 3-12, 14 and 29-60 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☒ The proposed drawing correction, filed 12/3/95, has been ☒ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Part III DETAILED ACTION

1. The preliminary amendment filed on December 3, 1995 has been entered. The proposed changes to the drawings filed on December 3, 1995 have been approved by the examiner.

Specification

2. The Abstract of the Disclosure is objected to because at line 1 "Disclosed is a device" should be shortened to --A device--. Correction is required. See M.P.E.P. § 608.01(b).

Claim Objections

3. Claims 15-22, and 30-32 are objected to because of the following informalities: because they depend directly or indirectly upon cancelled claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 1, 3-12, 14-22, and 29-33 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1 and 12 define the stylus as having a longitudinal axis, a lateral axis, and vertical axis. This definition is unclear because a stylus is a cylindrical object which would have a longitudinal axis but not necessarily a separate vertical axis for the longitudinal axis and the vertical axis may coincide and the claimed lateral axis and the vertical axis may also coincide at times. Thus, the claims do not distinctly define the longitudinal axis, the lateral axis, and the vertical axis and the specification does not lend support for this definition since it is silent as to a longitudinal axis, a lateral axis, and vertical axis for stylus 11.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

6. Claims 1, 3-10, 12, 14-21, and 29-34 are rejected under 35 U.S.C. § 103 as being unpatentable over Hara U.S. Patent no. 5,379,663 and Davies U.S. Patent no. 4,593,470. Hara describes a multi-axial joy stick device with at least six degrees of freedom and sensors to sense the motion of the handle 22. The shape of handle 22 is styled to fit the contours of the human hand, other shapes such as applicants' stylus would have been obvious to one of ordinary skill in the art when Davies is taken into consideration. Thus, applicants' claimed invention would have obvious to one of ordinary skill in the art in view of Hara and Davies.

7. Claims 11, 22, and 35-60 are rejected under 35 U.S.C. § 103 as being unpatentable over Hara U.S. Patent no. 5,379,663 and Davies U.S. Patent no. 4,593,470 as applied to claims 1 and 12 above, and further in view of the article by Fischer et al as described at paragraph 8 of paper no. 12. The above combination of Hara and Davies fails to teach the concept of integrating force feedback in the stylus position detection system. However as admitted by applicant at page 13 feedback is well known in the field of robotics and would be easily incorporated into a stylus detection system. An example of feedback in this field of

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endeavor is the system described in association with figure 11 of the Fischer article. Thus, it would have been obvious to one of ordinary skill in the art to have included in the stylus detection system a means for providing feedback to the user in response to the users positioning of the stylus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on Monday through Friday from 7:15am to 3:45pm eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709. The fax phone number for this Art Unit is (703)-308-5399.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

December 11, 1995


JEFFERY BRIER
PRIMARY EXAMINER
GROUP 2600